IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 28962 of 2006(W)

PETITIONER:

SAAJID M.A., AGED 30 YEARS,
S/O. ABOOBACKER, MANAKKATTU HOUSE, KALAMASSERY,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.PRATHAPACHANDRAN
SMT.PRIYA DEVI.P

RESPONDENTS:

1.KALAMASSERY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,CHANGAMPUZHA NAGAR PO
SOUTH KALAMASSERY.

2.THE DISTRICT COLLECTOR, ERNAKULAM.

3.THE DIVISIONAL MANAGER,
SOUTHERN RAILWAY, THAIKAD P.O.,
THIRUVANANTHAPURAM-14.

4.PERSONNEL MANAGER,
PREMIER TYRES LTD., NORTH KALAMASSERY P.O.

5.MR. ABBAS,
NELLIKKATTKUZHY, PERINGAZHAKARA,
H.M.T. COLONY P.O., KALAMASSERY.

6.JAYARAMAN,
KANJIRATHINKAL HOUSE, H.M.T.JUNCTION,
KALAMASSERY.

R3 BY ADV. SRI.SUBAL J.PAUL
R6 BY ADV.SRI.N.M.MOHAMMED AYUB
R4 BY ADV.SRI.ANTONY DOMINIC
SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
R5 BY ADV.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.SURESH
R1 BY ADV.SRI.M.K.ABOOBACKER
R2 BY GOVT. PLEADER MR.K.J.MOHAMED ANSAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.28962 of 2006

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Dated: 4th December, 2006

JUDGMENT

Having regard to the materials placed on record and upon hearing the rival submissions made by the counsel for the parties, I am of the view that the petitioner is entitled for favourable exercise of judicial discretion by this court under Article 226 of the Constitution. Records will show that the 1st respondent-Municipality is in seizin of the matter. The 1st respondent-Municipality will take a final decision in the matter within two months of receiving a copy of this judgment. It is needless to mention that the 1st respondent will hear all necessary parties. Respondents 3 and 4 being not necessary parties will not be dragged into these proceedings. If the petitioner is desirous of a hearing opportunity, he is free to make a request in that regard and the 1st respondent will allow that request.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**